

October 25, 2004
S.N. 10/645,245



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3673

Examiner: Lee, Jong Suk (James)

In re Application of: Wayne G. Floe

October 25, 2004

**Title: POWERED BOATLIFT WITH
ELECTRONIC CONTROLS**

Serial No.: 10/645,245

Filed: August 8, 2003

Docket No.: 6605A

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Requirement for Restriction mailed August 25, 2004, having a one month period for Response, please consider the attached Petition For Extension of Time requesting an extension of one month, and the following elections:

The Restriction Requirement pursuant to 35 U.S.C. 121 has established two Groups of Claims between which election is required. These Claim Groups are as follows:

Group I: Claims 1-31, drawn to a powered boat lift structure with a boat leveling mechanism, classified in class 405, subclass 3

Group II: Claims 32-45, drawn to a powered boat lift with a drive unit, classified in class 114, subclass 51.

The Requirement for Restriction is respectfully traversed. The grouping of the Claims is not understood.

The qualifier of Group I is stated to relate to a 'boat leveling mechanism', but such is not a common limitation of the Claims. Perhaps the Examiner meant to indicate

October 25, 2004
S.N. 10/645,245

that these Claims relate to a 'boat lifting mechanism'. If that be the case, clarification is requested. Alternatively, if the Examiner is seeking to separate consideration of Claims based upon boat lift leveling, it is submitted that the Grouping does not accurately reflect the asserted differentiation.

It appears that Claims in both of the identified Groups will require common searching, and should be considered together.

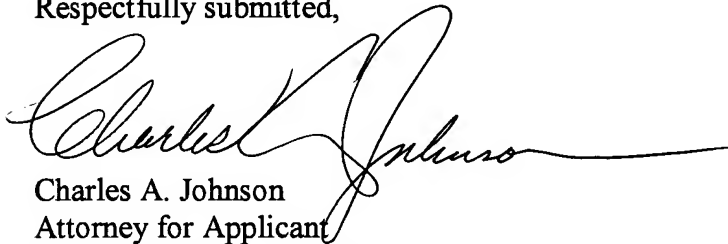
Since the Grouping of Claims is not believed to be proper with respect to the reasons given for Restriction classification, it is submitted that the Restriction Requirement is improper and should be withdrawn.

PROVISIONAL ELECTION

Pursuant to the foregoing arguments and reasons, Applicant provisionally elects Group I, comprising Claims 1-31 for examination.

Should the Examiner deem it necessary or appropriate to expedite prosecution of the Application, he is urged to contact the undersigned attorney.

Respectfully submitted,

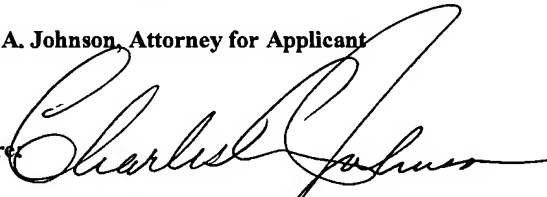


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I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 25, 2004.

Charles A. Johnson, Attorney for Applicant

Signature: 

Date of Signature: October 25, 2004